

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP,)	
BI-LEVEL PAP, AND)	
MECHANICAL VENTILATOR)	Master Docket: Misc. No. 21-1230-JFC
PRODUCTS LITIGATION)	
)	MDL No. 3014
This document relates to: <i>All Actions</i>)	

**STIPULATION AND SCHEDULING ORDER FOR PAGE LIMITS ON
THE NON-PHILIPS RS PHILIPS DEFENDANTS' REPLIES AND SUR-
SUR-REPLY IN SUPPORT OF
THEIR RULE 12(B)(6) MOTIONS AND KPNV'S RULE 12(B)(2) MOTIONS**

This Stipulation and Scheduling Order is entered into by and among Plaintiffs and Defendants Koninklijke Philips N.V. ("KPNV"), Philips North America LLC, Philips Holding USA, Inc. and Philips RS North America Holding, Inc. (with KPNV, the "non-Philips RS Philips Defendants").

WHEREAS, KPNV has moved to dismiss each of the consolidated and/or master complaints¹ for lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2) (ECF Nos. 913, 1353, 1354);

WHEREAS, the non-Philips RS Philips Defendants have also moved to dismiss each of the consolidated and/or master complaints for failure to state a claim under Fed. R. Civ. P. 12(b)(6) (ECF Nos. 918, 1357, 1358);

WHEREAS, on March 16, 2023, Plaintiffs filed three briefs: (1) their opposition to KPNV's Rule 12(b)(2) motions to dismiss the Economic Loss Complaint, the Medical Monitoring Complaint and the Personal Injury Complaint (ECF No. 1687); (2) their opposition to

¹ Third Amended Class Action Complaint for Economic Losses (the "Economic Loss Complaint") (ECF No. 785); Consolidated Second Amended Class Action Complaint for Medical Monitoring (the "Medical Monitoring Complaint") (ECF No. 815); Amended Master Long Form Complaint for Personal Injuries and Damages (the "Personal Injury Complaint") (ECF No. 834).

the non-Philips RS Philips Defendants' Rule 12(b)(6) motions to dismiss the Medical Monitoring Complaint and the Personal Injury Complaint (ECF No. 1693); and (3) their sur-reply in opposition to the non-Philips RS Philips Defendants' Rule 12(b)(6) motion to dismiss the Economic Loss Complaint (ECF No. 1684);

WHEREAS, the non-Philips RS Philips Defendants are attempting to consolidate their response arguments and to file potentially only two briefs in response to Plaintiffs' three briefs, one for the Rule 12(b)(2) briefing and the other for the Rule 12(b)(6) briefing;

WHEREAS, through this Stipulation and Scheduling Order, the parties wish to memorialize their agreement, subject to Court approval, on proposed page limitations for the non-Philips RS Philips Defendants' filings due on April 28, 2023; and

WHEREAS, nothing herein affects the briefing schedules for any other motions other than those identified above, including those motions filed by Philips RS North America LLC ("Philips RS").

NOW, THEREFORE, subject to Court approval, the parties have agreed that the non-Philips RS Philips Defendants may have up to 100 pages of briefs (and 25 pages of citation tables) for their briefs due April 28, 2023, to be divided up across briefs as the non-Philips RS Philips Defendants believe to be most appropriate.

Dated: April 24, 2023

/s/ Steven A. Schwartz

Steven A. Schwartz
(steveschwartz@chimicles.com)
CHIMICLES SCHWARTZ KRINER &
DONALDSON-SMITH
361 Lancaster Avenue
Haverford, PA 19401
Telephone: (610) 642-8500

Sandra Duggan (sduggan@lfsblaw.com)
LEVIN SEDRAN & BERNAN
510 Walnut Street, Ste 500
Philadelphia, PA 19106
Telephone: (215) 592-1500

Kelly K. Iverson (kelly@lcllp.com)
LYNCH CARPENTER LLP
1133 Penn Avenue, 5th Floor
Pittsburgh, PA 15222
Telephone: (412) 322-9243

Christopher A. Seeger
(cseeger@seegerweiss.com)
SEEGER WEISS LLP
55 Challenger Road, 6th Floor
Ridgefield Park, NJ 07660
Telephone: (212) 584-0700

Plaintiffs' Co-Lead Counsel

/s/ Michael H. Steinberg

Michael H. Steinberg
(steinbergm@sullcrom.com)
SULLIVAN & CROMWELL LLP
1888 Century Park East
Los Angeles, CA 90067
Telephone: (310) 712-6600

Tracy Richelle High
(hight@sullcrom.com)
William B. Monahan
(monahanw@sullcrom.com)
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
Telephone: (212) 558-4000

*Attorneys for Defendants Koninklijke Philips
N.V., Philips North America LLC, Philips
Holding USA, Inc. and Philips RS North
America Holding, Inc.*

DATED: April 26, 2023

IT IS SO ORDERED.

s/Joy Flowers Conti
Joy Flowers Conti
Senior United States District Judge